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## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	)  )  )	MDL NO. 1456 Civil Action No. 01-12257-PBS Subcategory No.: 03-10643-PBS
THIS DOCUMENT RELATES TO:  The City of New York, et al. v. Abbott Laboratories, Inc., et al.	)	Judge Patti B. Saris

## [PROPOSED] ORDER OF DISMISSAL OF PLAINTIFFS' CLAIMS AGAINST BAYER CORPORATION AND BAYER PHARMACEUTICALS CORPORATION

The Motion for Dismissal is hereby GRANTED. All Claims in this action against Defendant Bayer Corporation and Bayer Pharmaceuticals Corporation are dismissed with prejudice and without costs to any party.

IT IS SO ORDERED

Dated: 8 6 , 2010

The Honorable Patti B. Saris

Judge